



FH
[REDACTED]

STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

CCO/151311

PRELIMINARY RECITALS

Pursuant to a petition filed August 14, 2013, under Wis. Admin. Code § HA 3.03, to review a decision by the Milwaukee Early Care Administration - MECA in regard to Child Care, a hearing was held on September 05, 2013, at Milwaukee, Wisconsin.

The issue for determination is whether the agency properly seeks to recover an overissuance of child care benefits in the amount of \$1,205.55 for the period of November 4, 2012 – December 31, 2012.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]

I

Respondent:

Department of Children and Families
201 East Washington Avenue
Madison, Wisconsin 53703

By: Keisha Love

Milwaukee Early Care Administration - MECA
Department of Children And Families
1220 W. Vliet St. 2nd Floor, 200 East
Milwaukee, WI 53205

ADMINISTRATIVE LAW JUDGE:

Debra Bursinger
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Milwaukee County.
2. Petitioner's household size is two. Petitioner was authorized for child care benefits based gross monthly income of \$2,077.76 reported on an employer verification of income form dated August

15, 2012. On September 10, 2012, the agency issued a child care authorization notice informing the Petitioner that she is eligible for an enrollment based authorization for 50 hours/week of child care. The notice also informed the Petitioner that she must report any change in household income within 10 days from the date of the change.

3. In January, 2013, Petitioner submitted online renewal. No change in income was reported.
4. Based on employer verification of actual income, Petitioner had earned income in November 2012 of \$2,748.55 and in December 2012 of \$2,749.36.
5. The income limit for Wisconsin Shares child care benefits for a household of two is \$2,522.
6. The agency issued child care benefits of \$535.80 for November, 2012 and \$669.75 for December, 2012.
7. On July 15, 2013, the agency issued a Child Care Overpayment Notification informing the Petitioner that the agency seeks to recover an overissuance of child care benefits in the amount of \$1,205.55 for the period November 4, 2012 – December 31, 2012.
8. On August 15, 2013, the Petitioner filed an appeal with the Division of Hearings and Appeals.

DISCUSSION

Parents receiving Wisconsin Shares child care assistance must report any changes in circumstances that may affect his or her eligibility to the child care administrative agency within 10 days of the change. Wis. Shares Child Care Assistance Manual § 1.15.1. Changes that must be reported include a change in monthly income if it increases by at least \$250 or any increase that raises gross income above 200% federal poverty level. Manual § 1.15.2.

Petitioner testified that she received overtime in November and December. She indicated this was not typical and that overtime varies. She further testified that she believed she was only required to report income every 6 months.

Based on the evidence, I conclude that the Petitioner was overissued child care benefits for November and December, 2012. Petitioner testified credibly that she thought she did not have to report because her overtime pay varies and she did not realize she needs to report it. It was explained to Petitioner that she should also report decreases in income as well as an increase in income due to overtime.

CONCLUSIONS OF LAW

The agency produced sufficient evidence to demonstrate that the Petitioner was overissued benefits in the amount of \$1,205.55 for the period of November 4, 2012 – December 31, 2012.

THEREFORE, it is

ORDERED

That the petition be, and hereby is, dismissed.

REQUEST FOR A REHEARING

This is a final administrative decision. If you think this decision is based on a serious mistake in the facts or the law, you may request a rehearing. You may also ask for a rehearing if you have found new evidence which would change the decision. Your request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and tell why you did not have it at your first hearing. If you do not explain these things, your request will have to be denied.

To ask for a rehearing, send a written request to the Division of Hearings and Appeals, P.O. Box 7875, Madison, WI 53707-7875. Send a copy of your request to the other people named in this decision as "PARTIES IN INTEREST." Your request for a rehearing must be received no later than 20 days after the date of the decision. Late requests cannot be granted.

The process for asking for a rehearing is in Wis. Stat. § 227.49. A copy of the statutes can be found at your local library or courthouse.

APPEAL TO COURT

You may also appeal this decision to Circuit Court in the county where you live. Appeals must be served and filed with the appropriate court no more than 30 days after the date of this hearing decision (or 30 days after a denial of rehearing, if you ask for one).

For purposes of appeal to circuit court, the Respondent in this matter is the Department of Children and Families. After filing the appeal with the appropriate court, it must be served on the Secretary of that Department, either personally or by certified mail. The address of the Department is: 201 East Washington Avenue, Madison, Wisconsin 53703. A copy should also be sent to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400.

The appeal must also be served on the other "PARTIES IN INTEREST" named in this decision. The process for appeals to the Circuit Court is in Wis. Stat. §§ 227.52 and 227.53.

Given under my hand at the City of Milwaukee,
Wisconsin, this 26th day of November, 2013

\sDebra Bursinger
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

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The preceding decision was sent to the following parties on November 26, 2013.

Milwaukee Early Care Administration - MECA
Public Assistance Collection Unit
Child Care Fraud